

REMARKS

In the Office Action, the Examiner acknowledged Applicant's election without traverse of claims 1-16 in the reply filed on 07/25/2005 and withdrew claims 17-26 from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected specie, there being no allowable generic or linking claim.

Claims 17-26 have been indicated as "withdrawn" in this amendment.

Additionally, the Examiner rejected claims 10, 12-14 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner stated, "*Claim 10 recites the limitation "said at least one locking member" in line 3. There is insufficient antecedent basis for this limitation in the claim".*

Claim 10 is now dependent from claim 6 which provides antecedent basis for limitation "locking means "

The Examiner further stated, "*In claim 12, line 7, the phrase 'a platform member' is confusing as it is unclear how it relates to previously recited a platform member in claim 1".*

Claim 12 now recites "said platform member".

Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 10, 12-14 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point

out and distinctly claim the subject matter which applicant regards as the invention.

Turning to a more substantive matters, the Examiner rejected claims 1 and 5 under 35 U.S.C. 103(a) as being unpatentable over Anders et al (US 3,924,545) in view of Brynielsson et al (US 4,536,004).

The Examiner stated, "Anders et al discloses a movable platform apparatus for a transit vehicle having at least outer wall, said transit vehicle further having a door portal aperture formed through said at least outer wall, said door portal aperture having at least one door for at least partially covering and uncovering said door portal aperture, said transit vehicle additionally having said transit vehicle adjacent stairwell formed within said door portal aperture, said stairwell having least one step member, said movable platform apparatus for cooperating with a low stationary platform having surface disposed floor portion, a movable platform (23) having platform member including nose portion, said movable platform further having a pair of support portions, each of said pair of support portions attached each side of said platform member, a driving means coupled to said platform member; and a pair of guide means disposed within said stairwell under said floor portion.

Anders et al teach all of the features as disclosed above but does not disclose at least one pair of rolling members rotatably attached to each of the pair of the support portions. The general concept of providing a pair of rolling members rotatably attached to the support portion of a movable platform is well known in the art as illustrated by Brynielsson et al which disclose the teaching of at least one pair of rolling members (24, 25) rotatably attached to each of the pair of the support portions of a movable platform.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Anders et al to include the use of at least one pair of rolling members rotatably attached to each of the pair of the support portions of his advantageous movable platform as taught by Brynielsson et al in order to reduce friction in the movable Platform".

Amended claim 1 now specifically recites in paragraph (b) a limitation that "a rack attached to one of said pair of said support portions", in paragraph (c) a limitation that "a pinion engaging said rack;" and in paragraph (d) a limitation that "... driving means being one of a foot operated wheel disposed above said floor portion adjacent an interior wall structure of said transit vehicle and a hand operated wheel ...".

Such limitations are not taught by combination of Anders et al (US 3,924,545) and Brynielsson et al (US 4,536,004) and

therefore it would not be obvious to one of ordinary skill in the art to combine reference teachings of Anders et al (US 3,924,545) and Brynielsson et al in order to produce the invention of now amended claim 1.

Applicant believes that claim 5, which is a dependent claim from claim 1, will be allowed since it is believed that claim 1 is now in condition for allowance.

Therefore, the Examiner is respectfully requested to withdraw his rejection of claim 1 and 5 under 35 U.S.C. 103(a) as being unpatentable over Anders et al (US 3,924,545) in view of Brynielsson et al (US 4,536,004).

Next, the Examiner rejected claims 2-4 under 35 U.S.C. 103(a) as being unpatentable over Anders et al (US 3,924,545) and Brynielsson et al (US 4,536,004), as applied to claim 1 above and further in view of Lucas (US 5,671,684) and Long et al (US 6,435,600).

In support of his rejection, the Examiner stated, "*Anders et al and Brynielsson et al teach all the limitations of claims 2-4 except for a movable platform comprising a controllable drive means coupled to a pinion engaging a rack integrally attached to the platform. The general concept of providing a drive means coupled to a pinion engaging a rack integrally attached to the platform in a vehicle is well known in the art as illustrated by Lucas which discloses the teaching of a drive*

means coupled to a pinion engaging a rack integrally attached to the platform in a vehicle, see abstract section. Also, the general concept of providing a control system to a movable structure in a vehicle is well known in the art as illustrated by Long et al which discloses the teaching of controlling of a power sliding door, see abstract section. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Anders et al and Brynielsson et al to include the use of a controller coupled to the drive means in his advantageous movable platform as taught by Long et al in order to provide for control of the platform thereby increasing safety in the system. In addition, it would have been obvious to one skill in the art at the time of the invention to modify Anders et al and Brynilesen et al to include the use of a drive means coupled to a pinion engaging a rack integrally attached to the platform in his advantageous movable platform as taught by Lucas in order to reduce unwanted or free motion of the platform thereby increasing safety."

Amended claim 1 now specifically recites in paragraph (d) that "a driving means coupled to said ~~platform member~~ pinion, said driving means being one of a foot operated wheel disposed above said floor portion adjacent an interior wall structure of said transit vehicle and a hand operated wheel disposed at a predetermined distance above said floor portion, said hand wheel

coupled to said pinion by a power transmission means, said power transmission means is selected from one of a chain, cable, and belt, said pinion has a predetermined configuration to couple to said power transmission means".

Applicant believes that claim 2, which is a dependent claim from claim 1, will be allowed since it is believed that claim 1 is now in condition for allowance.

With regards to claim 3, such claim has been canceled and the subject matter claimed by such claim 3 has been partially incorporated into paragraph (d) of the independent claim 1.

Examiner's attention is directed to column 6 lines 4-8 of Lucas, wherein Lucas discloses that "The gate assembly may be opened by a worker from either side of the rail car by rotating one of the capstans (44) in an opening direction. The worker may rotate the capstan by using a power drive engaging the capstan or a pry bar having an end inserted into capstan". Therefore, Lucas fails to provide driving means, such as a foot operated wheel and a hand operated wheel, of the present invention of claim 1.

Long teaches a method for "... controlling a power sliding door system having a power drive mechanism..." (see Abstract) and also fails to provide driving means, such as a foot operated wheel and a hand operated wheel, of the present invention of claim 1.

Therefore, combination of Lucas and Long fails to disclose driving means of the present invention, wherein a foot operated wheel is coupled to the pinion or a hand operated wheel is coupled to the pinion with additional power transmission devices for moving the platform.

Applicant believes that claim 4, which is a dependent claim from a new claim 27, will be allowed since it is believed that claim 27 is in condition for allowance.

Accordingly, the Examiner is respectfully requested to withdraw his rejection of claims 2-4 under 35 U.S.C. 103(a) as being unpatentable over Anders et al (US 3,924,545) and Brynielsson et al (US 4,536,004), as applied to claim 1 above and further in view of Lucas (US 5,671,684) and Long et al (US 6,435,600).

Finally, the Examiner rejected claims 10-11, 16 under 35 U.S.C. 103(a) as being unpatentable over Anders et al (US 3,924,545) and Brynielsson et al (US 4,536,004) in view of Long et al (US 6,435,600).

The Examiner stated, "Anders et al and Brynielsson et al teach all the limitations of claims 10-11 and 16 except for a movable platform comprising a locking switch including an obstruction detection means. The general concept of providing a locking switch including an obstruction detection means to a movable structure is well known in the art as illustrated by

Long et al which discloses the teaching of a locking switch including an obstruction detection means to a movable door, see abstract section. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Anders et al and Brynielsson et al to include the use of a locking switch including an obstruction detection means in his advantageous movable platform as taught by Long et al in order to provide for control of the platform thereby increasing safety in the system".

Claims 11 and 16 have been canceled.

Claim 10 is now dependent from claim 6.

Therefore, the Examiner is respectfully requested to withdraw his rejection of claims 10-11, 16 under 35 U.S.C. 103(a) as being unpatentable over Anders et al (US 3,924,545) and Brynielsson et al (US 4,536,004) in view of Long et al (US 6,435,600).

Applicant notes with appreciation that claims 6-9, 12-14 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 6-9, 12-14 are now dependent from new claim 27.

Such independent claim 27 is believed to be in a condition for allowance since a limitation of paragraph (f) that "an

obstruction detection means coupled to said nose portion of said platform member, found in claims 12-14 has been conditionally allowed by the Examiner.

In view of the above amendments to the claims and the remarks associated therewith, the Applicant believes that independent claims 1 and 27 are in a condition for allowance and such allowance by the Examiner is respectfully requested. Since it is believed that independent claims 1 and 27 are in condition for allowance, their dependent claims further providing limitations are also in a condition for allowance.

In the event the Examiner has further difficulties with the election, he is invited to contact the undersigned agent by telephone at 412-380-0725 to resolve any remaining questions or issues by interview and/or by Examiner's amendment as to any matter that will expedite the completion of the prosecution of the application.

Respectfully submitted,

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